THE HONOURABLE MS. JUSTICE G. ROHINI

W.P.Nos.26927 of 1997, 27223 of 1997,
29409 of 1997, 29410 of 1997, 28200 of 1997
and 16067 of 1998
Date: 09-10-2007

Between:
Surana Telecom Limited,
Surya Towers, S.P.Road,
Secunderabad and
Bgagyanagar Metals Limited,
5th floor, Surya Towers,S.P.
Road Secunderabad

Petitioners

And

Department of Telecommunications,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi, rep. by its Director General and others

Respondents

THE HONOURABLE MS. JUSTICE G. ROHINI

W.P.Nos.26927 of 1997, 27223 of 1997,
29409 of 1997, 29410 of 1997, 28200 of 1997
and 16067 of 1998

Date: 09-10-2007

-

COMMON ORDER:

The dispute raised in all these writ petitions relates to supply of PIJF U/G cables to the department of Telecommunications. It is not in dispute that after constitution of BSNL., the functions of the department of Telecommunications stood vested in BSNL - MTNL.

Heard the learned counsel for both the parties.

Though various grounds have been raised by the petitioners, assailing the impugned action, having regard to the fact that the dispute arises out of an arbitration agreement which does not fall in the realm of public law remedy, instead of going into the merits of the case, I deem it appropriate to leave it open to the parties to work out the remedy of arbitration provided under respective agreements.

It is brought to my notice by the learned counsel for both the parties that in an identical matter i.e., W.P.No.26807 of 1997, keeping in view that the designated Arbitrator cannot be identified in view of the afflux of time, this court appointed Sri Justice A.Gopala Rao, a retired Judge of this Court, as the Arbitrator to consider and arbitrate upon all the disputes arising between the parties. Similar directions were granted in W.P.No.11104 of 1999 by order dated 13-06-2007.

The learned counsel for both the parties in all these writ petitions consented to refer the matter for arbitration to the same Arbitrator.

Accordingly, all these writ petitions are disposed of appointing Sri Justice A.Gopala Rao, a retired Judge of the High Court of Andhra Pradesh, as the Arbitrator to consider and arbitrate upon all the disputes arising between the parties herein following the procedure prescribed under the Arbitration and Conciliation Act. No costs.

_____

G.ROHINI,J

09-10-2007

Stp